

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CEDRIC LACKEY,	:	Civil No. 3:20-CV-0373
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BRENDA R. ATTINGER, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 30th, day of March, 2021, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss, Doc. 13, is **GRANTED**.
2. Plaintiff's claims against Defendant DOC are **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(b) for failure to state a claim.
3. Plaintiff's claims against Defendants Fisher and Donadi are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(b) for failure to state a claim.
4. Within twenty-one (21) days from the date of this order, Plaintiff may file an amended complaint as to his claims against Defendants Attinger, Fisher and Donadi.
5. Should Plaintiff fail to file a timely amended complaint, this action will proceed exclusive on Plaintiff's Eighth Amendment claim against Defendant Attinger.

6. The Clerk of Court shall forward Plaintiff two (2) copies of this court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.
7. Plaintiff shall maintain on file with the Clerk of Court a current address. *See* M.D. Pa. LR 83.18. If the court is unable to communicate with the Plaintiff because the Plaintiff has failed to notify the court of his address, the Plaintiff will be deemed to have abandoned his lawsuit.

s/ Jennifer P. Wilson

JENNIFER P. WILSON

United States District Court Judge
Middle District of Pennsylvania

Dated: March 30, 2021